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9 Attorneys for Federal Respondent

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13 DIANNE ARAGON, ) No. C-07-2925-CW  
14 Petitioner, ) E-FILING CASE  
15 v. ) DECLARATION OF KIM BEAKEY  
16 SCHELIA A. CLARK, Warden, )  
17 Respondent. )  
18 \_\_\_\_\_

I, Kim Beakey, do declare and state the following:

1       1. Prior to March of 2006, I was the Regional Designator for the Western Region,  
2 employed by the Federal Bureau of Prisons ("BOP"), United States Department of Justice. My  
3 duties as the Regional Designator included evaluating individuals who were federally sentenced  
4 in the Western Region for initial designation to an appropriate BOP facility. I also evaluated  
5 inmates in the Western Region for redesignation (transfer) to other BOP facilities. The Western  
6 Region includes the states of California, Alaska, Arizona, Nevada, Utah, Oregon, Idaho,  
7 Montana, Washington, Hawaii and Wyoming. I held that position since June of 2004.

8       2. After March of 2006, some of my duties and responsibilities changed, and I am  
9 now a Correctional Programs Specialist. Specifically, most of my designation responsibilities  
10 transferred to the Designation and Sentence Computation Center ("DSCC"), located in Grand  
11 Prairie, Texas. The DSCC is a new BOP operation established to centralize certain functions  
12 that used to be done at regional offices and institutions. As a Correctional Programs Specialist,  
13 my duties include overseeing the inmate population in the Western Region, and coordinating  
14 limited transfers. I also provide guidance on placements to Residential Reentry Centers  
15 ("RRC"). RRCs were formerly referred to as halfway houses or community corrections centers.  
16 Moving an inmate to a RRC is no different than transferring an inmate from one BOP location to  
17 another. The BOP exercises its judgement to place inmates accordingly during the service of  
18 their sentence, and such placements may include transfers to a RRC. Such transfers to a RRC are  
19 controlled by various BOP policies and federal regulations, such as Program Statement 7310.04,  
20 *Community Corrections Center (CCC) Utilization and Transfer Procedure* (available at  
21 [www.bop.gov](http://www.bop.gov)), and 28 C.F.R. § 570.21. BOP decisions about an inmate's RRC placement have  
22 no affect on the length of their sentence.

23       3. I am familiar with records compiled by the BOP and have access to them, and  
24 provide copies to requesting Department of Justice employees in the ordinary course of business.  
25 In this case, I have obtained a copy of inmate Dianne Aragon's Judgment from her criminal case,  
26 Case No. 2:06-CR-1405-002, District of Mexico, a true and correct of which is attached  
27

as Exhibit 1. Inmate Aragon's BOP Register Number is 27331-051.

4. I have also obtained a copy of inmate Aragon's Public Information Inmate Data printout, which is generated from our inmate database called SENTRY, a true and correct copy of which is attached as Exhibit 2. Exhibit 2 lists various information about a specific inmate that is considered by the BOP to be releasable to the general public. For example, from Exhibits 1 and 2, I can ascertain that inmate Aragon came into federal custody, probably by self-surrendering to the U.S. Marshals Service, on January 9, 2007. From these documents, I can also tell that inmate Aragon was eventually designated and sent to the Federal Prison Camp ("FPC") at Dublin, California, on April 27, 2007.

I declare under the penalty of perjury, pursuant to Title 28, United States Code, Section 1746, that the foregoing is true and correct to the best of my information, knowledge and belief. Executed this 11<sup>th</sup> day of September, 2007, at Dublin, California.

**Kim Beakey**  
Correctional Programs Specialist

# Exhibit 1

*U.S. v. Dianne Aragon*, Judgment from 2:06CR01405-002RB, District of New Mexico

**UNITED STATES DISTRICT COURT**  
**District of New Mexico**

UNITED STATES OF AMERICA  
V.

**Dianne Aragon**

**Judgment in a Criminal Case**

(For Offenses Committed On or After November 1, 1987)  
**Case Number:** 2:06CR01405-002RB  
 USM Number: 27331-051  
 Defense Attorney: James F. Maus, Appointed

**THE DEFENDANT:**

- pleaded guilty to count(s) Indictment  
 pleaded nolo contendere to count(s)  
 after a plea of not guilty was found guilty on count(s)

The defendant is adjudicated guilty of these offenses:

<i>Title and Section Nature of Offense</i>	<i>Offense Ended</i>	<i>Count Number(s)</i>
21 U.S.C. Sec. Conspiracy to Violate 21 U.S.C. Sec. 841(b)(1)(C) 846	12/15/2005	

The defendant is sentenced as specified in pages 2 through 5 of this judgment. The sentence is imposed under the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count .  
 Count dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Chaves

County of Residence

11/08/06

Date of Imposition of Judgment

/s/ Robert C. Brack

Signature of Judge

Honorable Robert C. Brack  
United States District Judge

Name and Title of Judge

11/08/06

Date Signed

Defendant: Dianne Aragon  
Case Number: 2:06CR0140S-002RB

### IMPRISONMENT

The defendant is committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **15 months**.

- The court makes these recommendations to the Bureau of Prisons:

**Federal Correctional Institution closest to Roswell, New Mexico, if eligible**

- The defendant is remanded to the custody of the United States Marshal.  
 The defendant must surrender to the United States Marshal for this district:  
 at on  
 as notified by the United States Marshal.  
 The defendant must surrender for service of sentence at the institution designated by the Bureau of Prisons:  
 before 2 p.m. on  
 as notified by the United States Marshal  
 as notified by the Probation or Pretrial Service Office.

### RETURN

I have executed this judgment by:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
\_\_\_\_\_  
at \_\_\_\_\_ with a Certified copy of this judgment.

\_\_\_\_\_  
**UNITED STATES MARSHAL**

\_\_\_\_\_  
**Deputy United States Marshal**

Defendant: Dianne Aragon  
Case Number: 2:06CR01405-002RB

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons. The defendant shall not commit another federal, state, or local crime. The defendant shall not illegally possess a controlled substance.

*For offenses committed on or after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

- The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any dangerous weapon. (Check, if applicable).
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable).
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page (if indicated below).

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall obtain and maintain full time, legitimate employment, or attend a vocational or academic training program throughout the term of supervised release as directed by the probation officer;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement;

Defendant: Dianne Aragon  
Case Number: 2:06CR01405-002RB

### SPECIAL CONDITIONS OF SUPERVISION

The defendant must complete 100 hours of community service during the first year of supervised release, as approved by the probation officer.

The defendant must cooperate in the collection of DNA as directed by statute.

The defendant shall not possess, have under her control, or have access to any firearm, ammunition, explosive device, or other dangerous weapons, as defined by federal, state, or local law.

The defendant must participate in and successfully complete a substance abuse treatment program which may include drug testing, outpatient counseling, or residential placement. The defendant may be required to pay a portion of the cost of treatment and/or drug testing as determined by the Probation Office.

The defendant must participate in an educational or vocational program as approved by the probation officer.

The defendant must submit to a search of her person, property, or automobile under her control to be conducted in a reasonable manner and at a reasonable time, for the purpose of detecting at the direction of the probation officer. She must inform any residents that the premises may be subject to a search.

The defendant must participate in and successfully complete a mental health treatment program, which may include outpatient counseling, residential placement, or prescribed medication as approved by the probation officer. The defendant may be required to pay a portion of the cost of this treatment as determined by the Probation Office.

The defendant shall have no contact with the co-defendant in this case.

Defendant: Dianne Aragon  
 Case Number: 2:06CR01405-002RB

### CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments.

The Court hereby remits the defendant's Special Penalty Assessment; the fee is waived and no payment is required.

Totals:	Assessment	Fine	Restitution
	\$100	\$	\$

### SCHEDULE OF PAYMENTS

Payments shall be applied in the following order (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

- A  In full immediately; or
- B  \$ immediately, balance due (see special instructions regarding payment of criminal monetary penalties).

**Special instructions regarding the payment of criminal monetary penalties:** Criminal monetary penalties are to be made payable by cashier's check, bank or postal money order to the U.S. District Court Clerk, 333 Lomas Blvd. NW, Albuquerque, New Mexico 87102 unless otherwise noted by the court. Payments must include defendant's name, current address, case number and type of payment.

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program, are to be made as directed by the court, the probation officer, or the United States attorney.

# Exhibit 2

*Public Information Inmate Data* printout for Dianne Aragon, Reg. No. 27331-051

REGNO..: 27331-051 NAME: ARAGON, DIANNE  
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y  
FUNC...: DIS RESP OF: DUB / DESIGNATED, AT ASSIGNED FACIL  
PHONE..: 925-833-7500 FAX: 925-833-7599  
FBI NUMBER.: 462290FC1 RACE/SEX...: WHITE / FEMALE  
PROJ REL MT: GOOD CONDUCT TIME RELEASE DOB/AGE....: 12-09-1958 / 48  
PROJ REL DT: 02-04-2008 PAR ELIG DT: N/A  
PAR HEAR DT:

----- ADMIT/RELEASE HISTORY -----

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
DUB	A-DES	DESIGNATED, AT ASSIGNED FACIL	04-27-2007 1300	CURRENT
9-L	RELEASE	RELEASED FROM IN-TRANSIT FACIL	04-27-2007 1600	04-27-2007 1600
9-L	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	01-30-2007 1458	04-27-2007 1600
DSC	ADMIN REL	ADMINISTRATIVE RELEASE	01-30-2007 1358	01-30-2007 1358
DSC	A-ADMIN	ADMINISTRATIVE ADMISSION	01-30-2007 1351	01-30-2007 1358

G0002

MORE PAGES TO FOLLOW . . .

REGNO...: 27331-051 NAME: ARAGON, DIANNE  
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y  
FUNC...: DIS RESP OF: DUB / DESIGNATED, AT ASSIGNED FACIL  
PHONE...: 925-833-7500 FAX: 925-833-7599  
PRE-RELEASE PREPARATION DATE: 12-28-2007

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.  
THE INMATE IS PROJECTED FOR RELEASE: 02-04-2008 VIA GCT REL

-----COURT OF JURISDICTION.....: NEW MEXICO

DOCKET NUMBER.....: 2:06CR01405-002RB

JUDGE.....: BRACK

DATE SENTENCED/PROBATION IMPOSED: 11-08-2006

DATE COMMITTED.....: 01-09-2007

HOW COMMITTED.....: US DISTRICT COURT COMMITMENT

PROBATION IMPOSED.....: NO

G0002 MORE PAGES TO FOLLOW . . .

REGNO..: 27331-051 NAME: ARAGON, DIANNE  
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y  
FUNC...: DIS RESP OF: DUB / DESIGNATED, AT ASSIGNED FACIL  
PHONE..: 925-833-7500 FAX: 925-833-7599

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$100.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE....: 391

OFF/CHG: 21:846 CONSPIRACY TO VIOLATE 21:841(B) (1) (C).

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE  
SENTENCE IMPOSED/TIME TO SERVE.: 15 MONTHS  
TERM OF SUPERVISION.....: 3 YEARS

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 27331-051 NAME: ARAGON, DIANNE  
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y  
FUNC...: DIS RESP OF: DUB / DESIGNATED, AT ASSIGNED FACIL  
PHONE...: 925-833-7500 FAX: 925-833-7599  
DATE OF OFFENSE.....: 12-15-2005

-----CURREN COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 03-05-2007 AT DSC AUTOMATICALLY  
COMPUTATION CERTIFIED ON 03-06-2007 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 01-09-2007  
TOTAL TERM IN EFFECT.....: 15 MONTHS  
TOTAL TERM IN EFFECT CONVERTED...: 1 YEARS 3 MONTHS  
EARLIEST DATE OF OFFENSE.....: 12-15-2005

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 27331-051 NAME: ARAGON, DIANNE  
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y  
FUNC...: DIS RESP OF: DUB / DESIGNATED, AT ASSIGNED FACIL  
PHONE..: 925-833-7500 FAX: 925-833-7599

JAIL CREDIT.....: FROM DATE THRU DATE  
03-16-2006 03-21-2006

TOTAL PRIOR CREDIT TIME.....: 6  
TOTAL INOPERATIVE TIME.....: 0  
TOTAL GCT EARNED AND PROJECTED...: 58  
TOTAL GCT EARNED.....: 0  
STATUTORY RELEASE DATE PROJECTED: 02-04-2008  
SIX MONTH /10% DATE.....: N/A  
EXPIRATION FULL TERM DATE.....: 04-02-2008

PROJECTED SATISFACTION DATE.....: 02-04-2008

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 27331-051 NAME: ARAGON, DIANNE  
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y  
FUNC...: DIS RESP OF: DUB / DESIGNATED, AT ASSIGNED FACIL  
PHONE...: 925-833-7500 FAX: 925-833-7599  
PROJECTED SATISFACTION METHOD...: GCT REL

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE